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Subdividing Counties for Electing State Legislators (State Measure 2) -- Transit Commission and Ten-Year Levy

City Club of Portland (Portland, Or.)

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REPORT on SUBDIVIDING COUNTIES FOR ELECTING STATE LEGISLATORS

PURPOSE: To amend Oregon Constitution to authorize legislature to divide counties having more than one senator or representative into subdistricts for election of senators and representatives to state legislature.

TO THE BOARD OF GOVERNORS,
CITY CLUB OF PORTLAND:

The following sections of the Constitution are affected, and italics indicate material added by the proposed amendment.

Section 3. *How Senators and Representatives chosen; filling vacancies.* The senators and representatives shall be chosen by the electors of the respective counties or districts *or subdistricts within a county or district* into which the state may from time to time be divided by law. If a vacancy in the office of senator or representative from any county or district *or subdistrict* shall occur, such vacancy shall be filled as may be provided by law.

Section 7. *Senatorial districts.* A senatorial district, when more than one county shall constitute the same, shall be composed of contiguous counties, and no county shall be divided in creating such senatorial districts. *Senatorial or representative districts comprising not more than one county may be divided into subdistricts from time to time by law. Subdistricts shall be composed of contiguous territory within the district; and the ratios to population of senators or representatives, as the case may be, elected from the subdistricts, shall be substantially equal within the district.*

BACKGROUND

For purposes of electing state senators and representatives the Oregon Constitution divides the state into senatorial and representative districts. In most cases a single county constitutes an election district, but in the areas of lesser population, more than one county is included.

For some time there has been interest in subdivision of election districts, particularly in Multnomah County. Interest was recently stimulated by the controversy over Reapportionment, which culminated in approval by the voters of the Reapportionment Initiative Measure in 1952. As a result of this measure, the number of Multnomah County representatives was raised from thirteen and one-half to sixteen, and the number of senators from six and one-third to seven. At the following session of the Legislature in 1953, various proposals were studied by committees of the Legislature directed toward enactment of a statute to accomplish sub-districting or its equivalent. Hearings were held at which the views of labor, agriculture and other interested parties were considered. These hearings resulted in introduction and passage of Senate Bill 40 by the Senate.

When Senate Bill 40 was under discussion in the House, question arose concerning the constitutionality of sub-districting by statute rather than by constitutional amendment. An opinion was obtained from the Attorney General which ruled that a constitutional amendment was required. In view of this opinion, the House and Senate adopted a joint resolution that Sections 3 and 7 of Article IV of the Constitution of the State of Oregon be amended as above set forth, and that such proposed amendment be submitted to the people at the November, 1954 general election.

ARGUMENTS

The arguments advanced in favor of the proposed amendment are principally as follows: namely, that passage would result in:

1. Representation of rural areas in counties dominated by an urban population, and vice-versa;

2. Reduction in the number of legislators voted upon by each voter (a shorter ballot), thereby stimulating a higher degree of voter interest and inviting a larger, informed vote;

3. Closer contact between legislative candidates and the electorate thus subjecting candidates to closer scrutiny during the campaign and encouraging a higher quality of elected delegate;

4. Reduction of campaign expense;

5. More active policing of legislators during their terms of office;

6. Allowing representation of a minority party in a county dominated by its opposing party.

The principal arguments against the proposed amendment are as follows:

1. It would preclude a voter from casting his vote for desirable candidates running in other sub-districts.

2. In Multnomah County, particularly, there would be the danger of ultimate subdivision into small sub-districts, each electing only one candidate, thus making the City of Portland and the remainder of the county more vulnerable to domination by a corrupt political machine.

3. If the sub-districts were small, there would be a possibility of electing candidates of lesser stature in certain districts.

4. It might encourage disputes between sub-districts within the county, which would diminish the effective strength of the county delegation as a whole.

5. It would leave in the hands of the Legislature the power to establish the number and geographical boundaries of the sub-districts rather than allowing the people of the county concerned to make such determination.

6. If a residency requirement were established, a candidate having county-wide support would experience difficulty in being elected, if his residence were in an unfavorable subdistrict.

SCOPE OF INVESTIGATION

Your committee was unable to discover any organized opposition to the proposed amendment. Persons interviewed included Alfred H. Corbett and Robert E. Duniway, state representatives, Dr. Maure Goldschmidt, Professor of Political Science at Reed College, and Mr. Tom Purcell of the Gresham Outlook. Information was also obtained from the Multnomah County Planning Commission and from other states where the problem of reapportionment and subdistricting has been considered.

DISCUSSION

Despite the feeling of voters in the Eastern part of Multnomah county that they should be allowed to elect a representative with rural interests, your committee feels that the rural representation problem is no longer of great importance in Multnomah County. (On the other hand, there would appear to be adequate grounds in counties such as Marion and Lane for the rural area to claim that the county delegations are controlled by the urban population.) According to the 1950 census, the population of Multnomah County numbers approximately 471,100; the population contained within the City of County numbers approximately 471,000; the population contained within the City of of the city limits and west of East 143rd Avenue contains an additional population of about 31,000. The substantial portion of the remaining populace resides in continued suburban areas extending beyond 143rd Avenue. The only other centers of population within the county are the Gresham area (3000), Wood Village (2000) and Fairview-Troutdale (2800). It is obvious that the population of Multnomah County is now almost exclusively composed of the City of Portland and its suburbs.

Since the proposed amendment would leave the establishment of sub-districts in the hands of the Legislature, your committee was interested to learn the details of the sub-districting proposal contained in Senate Bill 40. Apparently the subdivision of the counties as there suggested received the informal support of most of the Legislature. Under that proposal, Multnomah County was to be divided into five subdistricts: the Portland West Side area was to constitute the first district, the Southeast area the second, the Northeast area the third, North Portland the fourth, and that part of the county lying to the East of the Portland city limits the fifth.

There is set forth below a table based upon 1953 figures showing the population, number of registered voters, the number of representatives to be elected, and the relative strength of the two major parties within the respective sub-districts of Multnomah County. Marion County was to be divided into two sub-districts and Lane County into three. Senate Bill 40, it should be noted, contemplated sub-districting only representative districts; the election of senators was to remain county-wide, although candidates were to run for numbered positions.

In regard to the various arguments based upon the advantages of a short ballot, your committee is aware that many of the benefits are perhaps conjectural. However, your committee feels that if the proposed amendment were adopted, candidates would be forced to conduct a more personal type of campaign, limited to a smaller geographical area. Candidates would no longer be able to rely so heavily upon printed posters and brochures if other candidates engaged in a doorbell-ringing campaign. There seems sound reason to anticipate that if the campaigns were reduced to a more personal level, the interest of the voter would be stimulated and his participation in the election of the Legislature would become more informed. It is common knowledge that a great number of voters in Multnomah County often do not know all or many of the candidates for whom they mark their ballot. Where there is an array of 32 candidates running for 16 positions in the House, the difficulty in casting 16 informed votes is obvious.

TABLE

<i>Multnomah County District</i>	<i>Population</i>	<i>Registered Voters</i>	<i>Represent- atives</i>	<i>Relative Strength of Parties</i>
1. West Side	84,000	53,000	3	R by 1,500
2. Southeast	121,000	74,000	4	D by 5,000
3. Northeast	90,000	56,000	3	R by 4,000
4. North	94,000	50,000	3	D by 10,000
5. East of City Limits	82,000	40,000	3	D by 7,000

Just as it is reasonable to believe that voters might inspect more carefully the small number of candidates running within their own sub-districts, it is also reasonable to believe that once the voter's interest had been stimulated, such interest would continue throughout the Legislative session. With only three or four representatives concerned, the voters of the sub-districts might be more likely to follow the voting records of their representatives, and police their actions.

The argument of lower campaign expense has been included as an argument in favor of the proposed amendment. While it would seem true that the expense necessary to campaign within a portion of the county should be less than that required to campaign on a county-wide basis, as is presently done, it should also be pointed out that by the same token any pressure group would find it less expensive to promote the election of chosen candidates within the smaller areas.

It should be noted that the proposed amendment does not expressly require residence of a candidate within the sub-district from which elected nor, on the other hand, does it expressly preclude the Legislature from establishing such a requirement.

In this regard it is of interest that when Senate Bill 40 was being considered in the Senate, the Attorney General was asked if the Legislature could, in a sub-districting statute, establish a residence requirement for candidates from a sub-district. Mr. Thornton's office expressed the opinion that such a restriction by the Legislature would be in violation of Article IV, Section 8 of the Constitution which sets forth the requirements for holding legislative office. If the opinion of the Attorney General's office was correct, and if the proposed amendments to Sections 3 and 7 do not in effect modify the requirements of Section 8, it would seem that even under Article IV, as amended, the Legislature could not require residence within the sub-district. It is reasonable to suppose, however, that even if no legal requirement of residency were enacted, the location of the candidates residence could become a political fact which each candidate would have to face.

The principal argument against the proposed amendment is that it would encourage machine politics at the sub-district level and make possible the corrupt type of ward politics encountered in so many Eastern cities. If there was no requirement of residency within a sub-district it would seem that this latter possibility might be encouraged. Although your committee would perhaps concede that it might be more easy to

establish corrupt political control of Multnomah County's legislative delegation if the county were broken into small sub-districts, each sub-district electing only one representative, or perhaps even if broken down into only five sub-districts; it believes that in view of the relatively favorable educational and economic level of the voters in Multnomah County, this objection is more theoretical than actual.

It was suggested to your committee that once the step had been made from county-wide election to sub-district election, pressures would develop for the establishment of smaller and smaller sub-districts as the years went by, until, ultimately, there were the same number of districts within the county as there were seats in the House. While your committee feels that larger sub-districts are preferable, it believes that in view of the feeling in the Legislature when considering Senate Bill 40, and in view of the almost unanimous opinion of those appearing at the legislative hearings, representing most of the various interests within the state, any such pressure for further breakdown could be resisted.

It will be noted that the proposed amendment is very broad in its grant of power to the Legislature to establish sub-districts. In fact, there is no requirement that the Legislature establish sub-districts at all, or that it sub-divide all counties electing more than one representative or senator, or that it provide for subdivision of both senatorial and representative districts. Your committee feels that it is desirable that the mechanics of sub-districting be kept flexible to meet the requirements of the future. Although the boundaries of the sub-districts would be exposed to the possibility of gerrymandering, your committee does not feel that this would outweigh the advantages of flexibility. The establishment of the sub-district boundaries would be subject to consideration by the entire Legislature. It is difficult to believe that any Multnomah County political machine could gain sufficient upstate support to greatly abuse the power granted under the proposed amendment.

CONCLUSION

Your committee feels that the arguments in favor of the proposed amendment outweigh those advanced against it. It believes that the subdivision of Legislative districts is desirable. It does, however, believe that the Legislature should be urged to keep the sub-districts comparatively large, along the lines proposed in Senate Bill 40. On the other hand, since the number of Senators elected even from Multnomah County numbers only seven, your committee believes that there should be no subdivision of senatorial districts.

RECOMMENDATION

Your committee recommends approval of Proposition No. 2.

Respectfully submitted,

JAMES F. BRINK

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DONALD W. MORRISON, *Chairman*

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